IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 28188 of 2007(E)

PETITIONERS:

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1. CAPT.K.C.THOMAS,S/O. K.T.CHACKO,
AGED 60 YEARS, KATTAMPILLY HOUSE,
RESIDING AT 5-C, AMEYA-GOKULAM, SOUTH JANATHA ROAD
PALARIVATTOM, KOCHI-682 025.

2. ALAN PAPALI,S/O. LATE PERCY PAPALI,
ADVOCATE, RESIDING AT 5-C, AMEYA-GOKULAM, SOUTH JA
NATHA ROAD,PALARIVATTOM, KOCHI-682 025.

BY ADV. SRI.JIJO PAUL
SRI.BABU S. NAIR

RESPONDENTS:

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1. THE CORPORATION OF COHIN-REPRESENTED
BY THE SECRETARY, COCHIN CORPORATION OFFICE,
ERNAKULAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
COCHIN CORPORATION ZONAL OFFICE, EDAPALLY.

3. GOKULAM ENGINEERS INDIA PVT. LTD,
REP. BY MANAGING DIRECTOR, ANJAM APARTMENTS,
40/871, CHITOOR ROAD, COCHIN-11.

4. TOWN PLANNING OFFICER, ZONAL OFFICE,
EDAPALLY, CORPORATION OF COCHIN, KOCHI.

BY ADV. SRI.PRAVEEN K.JOY,SC,COCHIN CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.28188 of 2007

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Dated this the 4th day of October, 2007

JUDGMENT

Petitioners seek a direction for permission to reconstruct the compound wall as proposed in Ext.P4 plan and Ext.P3 application. The further prayer is to quash Ext.P11 to the extent it state that the property of the Corporation is separated by chain.

2. I heard learned counsel for the respondents also.

3. I feel that there should be an order passed on Ext.P3 application.

The writ petition is disposed of as follows:

I leave open the challenge to Ext.P11. There will be a direction to the second respondent to consider and take a decision on Ext.P3 after affording an opportunity of hearing to the petitioners and the third respondent. An order shall be passed within a period of three weeks from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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